

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

MATTHEW JAMES DIETERLE, AS
TRUSTEE OF THE JOHN L. DIETERLE
TRUST NO. 1,

SA-22-CV-00835-XR

Plaintiff,

VS.

CINCINNATI INSURANCE COMPANY,

Defendant.

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ORDER CANCELING VIDEO HEARING

Before the Court in the above-styled cause of action are Defendant Cincinnati Insurance Company's Opposed Motion to Compel [#23] and Plaintiff's Objections, Motion to Quash, and Motion for Protective Order on Subpoenas to Cactus Companies and Dreibrodt Construction, Inc. [#24], which were referred to the undersigned for disposition on July 28, 2023. The Court set the motions for a hearing on August 17, 2023, at 10:30 a.m. In the Court's order setting the hearing [#29], the Court ordered the parties to confer on the issues underlying their motions and to file a joint advisory no later than August 15, 2023, indicating which issues remain in dispute after the conference. The Court warned the parties that a failure to file the ordered joint advisory could result in a cancellation of the hearing and a denial of the motions for failure to comply with a Court order. The parties have not filed the ordered advisory, and the deadline to do so has expired. The Court will therefore cancel the hearing and deny the motions without prejudice to refiling. If the parties confer, file a joint advisory, and jointly request a hearing, the Court will reset the hearing.

IT IS THEREFORE ORDERED that the hearing set for August 17, 2023, at 10:30 a.m. is **CANCELED**.

IT IS FURTHER ORDERED that Defendant Cincinnati Insurance Company's Opposed Motion to Compel [#23] and Plaintiff's Objections, Motion to Quash, and Motion for Protective Order on Subpoenas to Cactus Companies and Dreibrodt Construction, Inc. [#24] are **DENIED WITHOUT PREJUDICE**.

SIGNED this 16th day of August, 2023.



ELIZABETH S. ("BETSY") CHESTNEY
UNITED STATES MAGISTRATE JUDGE